

STATEMENT OF

TAKEN AT

0335 24 JUL 05

DATED

A. STATEMENT (Continued)

Nothing Follows

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, at _____.

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Notarary To Administer Oath)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE

OF

PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY:

Title 10 USC Section 301; Title 5 USC Section 2051; E.O. 9397 dated November 22, 1943 (SSN)

PRINCIPAL PURPOSE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES:

Your social security number is used as an additional alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION

Camp STAYKEL

2. DATE

2015 12 05

3. TIME

1000

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

→ [REDACTED]

6. GRADE

→ [REDACTED]

7. GRADE/STATUS

P/E-3/Active Army

8. ORGANIZATION OR ADDRESS

9. [REDACTED]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. What is your Duty Position in the Platoon and Patrol?

I am one of two M240B Machine Gunners, during the patrol I was a 50 cal Gunner in the back vehicle.

2. Have you received any formal training or have you zeroed or qualified with the 50 Cal?

My formal training Consists of Assembly and Disassembly of the Gun, Fix or correct a malfunction, load and clear and unload the Gun. I have not zeroed or have, aligned with the M2 50 cal Machine Gun.

3. Explain the Special Equipment Available in the vehicle you have to assist you.

I have binos to assess situations at great distances. I have a spot light at times to signal either friendly forces and make themselves aware of our conveyance local motorist on our route. I have an M4 to fire warning shots with accuracy and low collateral damage at minimum. I have a PHAS-13 to overwatch a position when we have limited visibility. I have a 3x assembly to attach to my NVGs to assess a situation at greater distances when a need for night vision is imperative.

4. What is the Enemy situation in your area of operations? Do you believe IED's and VED's are a threat?

I believe the enemy in my AO is mainly trying to disrupt travel on I-405. In doing so they have occupied a town to establish what we as the Military, a FOB. They have weapons Caches spread all throughout the terrain. They have fortified all entryways to their FOB.

10. EXHIBIT

SIGNATURE OF PERSON MAKING STATEMENT

PAGE 1 OF

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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

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STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

and Cache Sites with IED's to prevent us from finding the weapons Caches, or coming near their FOB's. I think IED's are the major threat in this combat zone, Although I don't believe VBIED's are a big threat. That does not mean we are not on the look for them.

10. Have you had any other Escalation of force incidents in your time in combat?

I have had ~~two~~ two Escalation of force incidents in my time in Combat. Once a vehicle came too close to one of our blocking positions clearly marked with a sign, orange cones and spike strip on the road, a warning shot was fired the vehicle stopped. The Second incident was a vehicle approaching our patrol at a high rate of speed, a warning shot was not fired. The vehicle stopped short of our patrol.

11. Explain to me if a vehicle were approaching and was suspicious how you would Escalate up to and to use lethal force

As a vehicle approaches I wave them off with a very visible hand gesture, then I show my weapon, after that a warning shot would be fired, and if necessary lethal force would follow.

12. In Statement 1, you mentioned you saw a weapon in the Bongo Truck, where was it and where was it pointed? Did you see more than 1?

I saw the weapon when it was being brandished, (muzzle skyward), out of the Passenger Side Window. That was the only weapon I saw.

13. In your own words what was suspicious about the Bongo Truck? Did you believe it posed a threat to you?

The truck was suspicious due to that fact that it was coming from the direction my heard Gunfire from Earlier and the rate of speed it was moving at, towards us. I believe it posed a big threat us.

14. Did you fire a Warning Shot? Why Not?

I did not fire a warning shot because the truck posed an immediate threat, because of the weapon in it before I could fire a warning shot. So Instead I proceeded to eliminating the threat immediately.

INITIALS OF PERSON MAKING STATEMENT

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DATED

9. STATEMENT (Continued)

10. Why Did you fire the .50 cal and not the M4?

I ~~used~~ fired the .50 Cal and not the M4 because the threat was immediate. I felt that my life ~~and~~ and the lives of my fellow comrades were at risk. The .50 Cal is a high Casualty Producing Weapon and I felt it would have Eliminated the threat rapidly and Effectively.

11. ~~How many~~ How many rounds of .50 cal did you fire and why did you stop?

I fired anywhere from 50-60 rounds and I stopped when I saw what appeared to be an American Silhouette fall out of the back of the truck.

12. Did you assist the Casualties? Did you observe the the Casualties?

What can you tell me about where the weapons were found?

I did not assist the Casualties. I observed ~~three~~ three Casualties, two were in critical Condition ~~one~~ ~~one~~ had a ~~non~~ minor wound in his leg.

13. When ~~you~~ decided to move to the firing at approximately 1600 hrs, what information did he tell your crew?

Our intent was never to follow the Gunfire, itself. It was to search for a way across the canal. ~~He~~ never made it a priority to follow the Gunfire. However I asked about the Gunfire Going on and he replied, "I don't know, but the ~~direction~~ direction were headed. we'll find out what it is."

14. At any time did you know 2nd PLT Had a dismounted element along

I knew of A 2nd PLT Element being near our ~~position~~ position, but I never at Any time knew there was a 2nd PLT Element dismounted Along ~~the~~.

15. Did you hear ~~any~~ talk with 2nd PLT and reference the location of 2nd PLT?

I did hear him talk with 2nd PLT and 2nd mentioned they were at an OP.

INITIALS OF PERSON MAKING STATEMENT

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DATED

9. STATEMENT (Continued)

16. Who Else fired at the Longo Truck?

The .50 cal was the only thing I could hear I called it was five just in case anyone decided to fire or was firing.

17. How often does your platoon discuss Escalation of force and ROE
My Platoon discusses quite often usually after or before a patrol brief right before a patrol.

18. Have you Experienced Escalation of Force Incidents with Iraqi Vehicles in the past? Did you fire warning Shots?

Yes I ~~had~~ have had Escalation of Force Incidents with Iraqi Vehicles. I ~~was not~~ personally did not fire the warning shot it was the TC of the vehicle that did so.

19. Does your vehicle have any headsets for the crew?

No our vehicles do not have headsets for our crew.

20. Were You aware of 2nd Plt. being west of your position?

~~Yes~~ I was unaware of 2nd Plt being west of my position.

21. When was the last time You rehearsed/Reviewed the ROE and Escalation of force?

We rehearsed/Reviewed ROE and Escalation of force the Patrol prior.

22. What Special Equipment do you think you may need to be more Effective in your missions?

Headsets for internal crew Comms, Spotlights for each Gunner, Humvees Equipped with Sirens or loud horns, cranks for our barrels possibly more effective comms devices (IE antennas with longer ranges).

INITIALS OF PERSON MAKING STATEMENT

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TAKEN AT

DATED

B. STATEMENT (Continued)

23. Did you ^{at} any time observe anyone standing in the back of the Bangor Truck?

I did not see anything or anyone in the back of the Truck.

24. Did you observe or hear any shots fired from the Bangor before you were ordered to fire on the Truck. Re

No I did not hear gun shots coming from the truck before I engaged it.

Nothing Follow

INITIALS OF PERSON MAKING STATEMENT

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STATEMENT (Continued)

Nothing Follows

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(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

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OF

PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY:

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 /SSN/

PRINCIPAL PURPOSE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES:

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION Camp 514142	2. DATE (YYYYMMDD) 240512-4	3. TIME 0450	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/POSITION	
8. ORGANIZATION OR ADDRESS A Co 2/502 INF 3rd plt			

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:
- 1.) Tell me do you serve as driver and or RTO in the PL Truck How many radios! do you monitor a Radio?
A.) I am driver in the PL vehicle. 2 radios (Company & Battery) PL has com. I sometimes monitor radios but usually RTO is in vehicle to monitor them.
 - 2.) How often do you / the platoon provide Sitreps to the company? Do you have good, fair, poor communications on average?
A.) we try to provide a Sitrep every 30 min. we have poor communication on average.
 - 3.) on 28 Nov. 05, did you ever hear any conversations between 2nd or 3rd plt.
A.) No
 - 4.) When Lt. Worley decided to maneuver the patrol to the sound of gunfire, what did he do? Did he call the Co? Did he talk w/ 2nd plt? what orders did he give the patrol.
A.) To my understanding we were not maneuvering the patrol to the sound of fire. we were patrolling down the road looking for a bridge across the canal. when the bongo truck ran upon us.
 - 5.) Were you aware that 2nd plt. was dismounted in Sector? If so how did you know this?
A.) We were not aware of 2nd plt. dismounted in Sector.
 - 6.) Did you observe the white bongo truck. Did you believe it was a hostile Element?
A.) Yes I observed the white bongo truck. Yes I believed it to be a hostile Element.
 - 7.) If you were a gunner, explain escalation of force w/ regards to equipment or acts by the gunner
A.) first to motion stop with your arms next to fire warning shot then fire upon vehicle.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 7 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF"

TAKEN AT

DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

DATED

2006, 2004

9. STATEMENT (Continued)

8) Did you hear any fire from the bongo? Did you observe any weapons exposed?

A) NO I did not hear any fire from the bongo. yes weapons were exposed.

9) Who gave the order to fire & cease fire?

A) Lt. Winkley gave order to fire & cease fire.

10) What is the standard for Lamp or C&E within the platoon? If you were the gunner what actions would you take for a suspicious vehicle approaching your unit?

A) To identify your intended target and shoot aimed shots under normal circumstances I would give command to stop with hand and arm signals next give warning shot, then last to fire at vehicle.

11) Did you observe anyone firing into the bongo truck. If so who?

A) NO I did not observe anyone else firing into the vehicle except my vehicle gunner.

12) Did you fire into the bongo truck?

A) NO I did not fire into the truck.

13) Looking back in hindsight, what actions should be taken to prevent future blue on blue friendly fire incidents?

A) First to never use unauthorized civilian vehicles during missions but if you had to, mark the vehicle maybe with US 17 panels.

14) Has your vehicle / crew experienced other escalation of force incidents with Iraqi vehicles? If so were warning shots fired?

A) yes we have been approached by Iraqi vehicles. And yes warning shots had been fired.

15) What special equipment does the gunner have (Binoculars, night vision) to aid in his mission?

A) The gunner does use an M4 for warning shots and only sometimes can get binoculars to use.

16) Have you seen bongo trucks in your sector prior near suspicious activity. (Suspected ATF activity)

A) yes we have observed many blue & white bongo trucks in Sector and some we had suspected of ATF activity.

17) Has your platoon ever practiced standard moderate training or rehearsals before missions?

A) Yes we have gone over moderate and 9 line medical.

INITIALS OF PERSON MAKING STATEMENT

PAGE

2 OF 7

PAGES

STATEMENT OF

TAKEN AT

Camp Steyer

DATED

2001204

9. STATEMENT (Continued)

(8.) How often do you rehearse ROE & EOF within your platoon prior to mission's?

A. we go over ROE or EOF before missions by going over sections of the standards and sometimes we will read over the entire card. (ex. ROE card.)

NOTHING follows

INITIALS OF MAKING STATEMENT

PAGE 3 OF 7 PAGES

STATEMENT OF

TAKEN AT

Camp STEPHEN

DATED

2005-12-04

R. STATEMENT (Continued)

NOTHING follows

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE . I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this day of at

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 7 PAGES

_____ was interviewed L. _____ : 232135L Nov 05 and testified, in substance, as follows:

It is okay if you ask me some questions.

[Investigating Officer asked a question concerning the existence of an SOP at Company, Platoon, or Battalion level for friendly vehicle recognition. The audio terminated prior to the witness answering the question.]

_____ was interviewed by _____, 232135L Nov 05 and testified, in substance, as follows:

There is a SOP for friendly vehicle recognition of military vehicles. As for civilian trucks, we've seen a lot of Bongo trucks engaged in suspicious activity. We've been told that sometimes those vehicles are used by insurgents.

The recognition signals we use in the event we don't have FM communications are the flashing of the IR light or headlights, whichever you have, in the evening or night; and during the day, usually a vehicle will stop and pull to the side of the road and sometimes turn on their emergency flashers. That's how we can tell the civilian vehicles that are going to cooperate and stay out of our way.

Prior to this mission, I received a briefing covering actions on contact and rules of engagement. Usually every time we go out we have some sort of ROE briefing, even if it's just reading from the card. Sometimes the senior leader will speak on the subject.

I received the mission brief for this mission at approximately 0800.

Prior to 0800, all we did was load up our vehicles and PCI our equipment.

Part of our duty today was to do some IED sweeps and try to find a bridge across the canal near _____ because we couldn't get across into our AO that we were supposed to go to this evening.

To my knowledge, every vehicle had _____.

I don't know for sure if all of that equipment was fully mission capable or not; sometimes they'll work and sometimes they don't.

Our Team Leaders and our LT have ICOMs on them.

As far as the fills, I think it is just for the team that's out; I don't think we can't reach anyone else. (I don't fill in)

Right after 0800, we left the FOB and went down _____ little ways and some of the roads we cleared were unnamed. We searched for IEDs and then we got on Fat Boy and as we were coming down one side of the canal, on the other side of the canal a white Bongo truck was speeding towards us. At first, we slowed down to make sure they saw us so they would stop; but they didn't slow down. I was driving the lead vehicle so I came to a stop. At that time, they were waving their arms out the window and above the cab of the truck; and we figured it could be a threat. No one had fired or anything at that point; we were just on standby. When they got to about 100 to 150 meters away, for some reason they put their weapons out the window and they held them with one hand and were shaking them up and down. We couldn't tell what type of

weapon it was; we just knew it was a rifle. That's when the LT considered it a threat enough to open fire.

The vehicle ran off the road and one of the individuals got into the canal and a couple others were off in the woods. After we realized they were friendly, we approached them for medevac.

I don't recall any reports between higher headquarters or any other unit before or during this incident. The whole thing happened within seconds.

When we were looking for a cross over to get to the other location, the LT had said we were going to try to hook up with 2-6. They were further up the road; but we had no idea they could be using a Bongo truck.

I'm not aware of anyone relaying information that we were about to cross another platoon's boundary or that we were going to try to link up with the other platoon.

I have nothing further to add at this time.

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SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

THORITY:

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 5397 dated November 22, 1943 (SSM)

PRINCIPAL PURPOSE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES:

Your social security number is used as an additional alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION

Land Grenade

2. DATE (YYYYMMDD)

2005 12 04

3. TIME

1230 W0

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. BRANCH/STATUS

8. ORGANIZATION OR ADDRESS

200 2/502 101 ABN DW

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

1. What is your duty position, what Troop were you in?

ATO 1st Troop

2. What was your mission for the Patrol?

Find bridge crossing [REDACTED]

3. Did you review EOR/ROE?

Yes

4. What is EOR to you? Explain

Signal yell, shout warning, shoot, shout to kill. Self defense

5. What is the enemy situation in your AO? Is there a VBIED threat?

many enemy sat IEDs, fire mortars, and small arms fire. Yes there is a VBIED threat. What type of enemy contact have you experienced?

IED, mortars, small arms

7. Have you observed any suspicious cargo trucks in your AO?

Yes

8. Do you recall heavy gunfire/explosions around you on the 23rd?

I recall gunfire

9. What radio traffic did you overhear?

2nd plt lost comms with 1st with 20

10. Do you recall your communications with 2nd Plt what was said? (Do you keep a log?)

Call them with our movements. Yes

11. Were you or [REDACTED] aware 2nd plt was west along [REDACTED]? Did you know that they were dismounted? No, No

12. How often do you provide sitreps to the CO ([REDACTED])

30 minutes

13. How are communications in Zone?

Good sometimes and bad sometimes

14. Do you recall hearing gunfire at approximately 1600hrs? What did you hear and what was your Patrol doing at that time?

Yes Small arms fire, we heading west on [REDACTED]

10. EXHIBIT

11. SIGNATURE OF PERSON MAKING STATEMENT

* [REDACTED]

PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED]"

AT 1320 DATED 4-20-05

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

TAKEN AT

1320

DATED

4 Dec 2005

B. STATEMENT (Continued)

15. Did LT Worley give any special orders to the AIT before moving to the next?

No

16. Did ^{PL} [redacted] (2nd AIT) advise you [redacted] was dismounted + forward?

No

17. Tell me what you saw with the Bongo Truck?

2 men, passenger side arm sticking out with weapon pointed in our direction

18. When you heard gunfire on 1600 did you call that in to the company?

No

19. Did you discuss with 2nd platoon RTO, the gunfire, what was said?

No

20. Did [redacted] advise you that [redacted] was with a dismounted Patrol?

No

21. Do you use FIPR/FOCBZ to update the company?

Yes

22. Did [redacted] or you tell 2nd platoon you were moving down [redacted] +

Yes, I did

23. When did you see the Blue Bongo Truck? How far was it from your truck?

LT said something and I saw it was about 100 meters away.

Did you see a weapon outside any door? Yes

Did you see Any Rifle Fire from the Bongo? Yes

Did you see any 15-17 panels? No

24. Who gave the order to fire?

LT Worley

25. Did the officer [redacted] fire on the Bongo?

Yes

26. When you saw [redacted] how was he positioned in the cab?

leaning forward against the door window

27. What lessons would you share with other units to prevent other incidents?

Always try to find out where friendly's are in the area

INITIALS OF PERSON MAKING STATEMENT

[redacted]

PAGE 2 OF 3 PAGES

STATEMENT OF

TAKEN AT

1320

DATED

4 Dec 2005

9. STATEMENT (Continued)

Nothing
Follows

AFFIDAVIT

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(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT: _____

PAGE 3 OF 3 PAGES

SWORN STATEMENT

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PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
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1. LOCATION <i>2nd Fl</i>	2. DATE /YYYYMMDD <i>2005 11 24</i>	3. TIME <i>0100 hrs</i>	4. FILE NUMBER
5. LAST NAME <i>[Redacted]</i>	6. SSN <i>[Redacted]</i>	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS <i>* AC-2/502 101 ABN DIV.</i>			

9. I, *R*, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

See Attached

10. EXHIBIT	<i>3</i> OF PERSON MAKING STATEMENT	PAGE 1 OF <i>5</i> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

[redacted] was interviewed by [redacted] 240105L Nov 05 and testified, in substance, as follows:

My name is [redacted] My [redacted]

I feel comfortable freely answering your questions concerning the incident that occurred at approximately 1630 hours on 23 November.

There is a unit SOP for recognition of friendly vehicles; it is flashing the headlights or signaling by radio. Waving would be another option.

I found out that I was going to be conducting this mission last night, the evening of the 22nd when [redacted] told me.

The morning of the mission, we receive a mission brief from [redacted]

He briefed us that we were going to try to get down here to [redacted]

I would feel more comfortable answering these questions tomorrow.



2405

[redacted] is interviewed by [redacted] at 240105L Nov 05 and testified, in substance, as follows:

My name is [redacted] My social security number is [redacted]

I still feel comfortable freely answering your questions concerning the incident that occurred yesterday afternoon.

I recall when you asked me last night if my Platoon or Company had a SOP for near and friendly recognition signals.

A number combination is what we use.

I found out that I was going on that mission the night before when [redacted] told me.

I don't exactly recall what was briefed on the enemy situation.

I was briefed that there would be other units operating in or around our area.

Second Platoon was known to be out here.

We SPd from Camp Striker, took [redacted] to [redacted], then we took an unnamed road traveling south parallel to [redacted]. We stopped at a medical clinic and talked to some locals around there. Then we went to [redacted] and started heading west on [redacted]. We crossed [redacted] and got on the west side of [redacted] and that's when we came into contact with 2-6 and the Bongo truck. That's when the incident occurred.

There is always a threat in the area, but prior to the incident, we heard gunfire to the west. We were going to get closer to it to see what was going on.

As we were moving toward the sound of the small arms gunfire, we came into contact with the Bongo truck.

As we were heading west on [redacted] we heard small arms fire in the background. We were on the south side of [redacted] and the Bongo truck came up on the north side of [redacted]. They were coming and I could see the Bongo truck full of individuals and somebody holding a weapon out the window shaking it and pointing it in our direction and that's when our .50 cal gunner opened fire and destroyed the vehicle.

I was able to identify the weapon but not the clothing or nationality of the occupants because they were holding the weapon outside the window.

The Bongo truck was probably about 50 to 75 meters from 3rd Platoon when they were brandishing the weapon.

[redacted]

3 of 5

They showed the weapon and then sped forward at a much higher rate of speed.

With the weapon pointed at us, we fired because we thought our lives were in danger. Escalation of force didn't apply because we were acting in self defense.

[REDACTED] gave the command to stop firing. I don't remember if it was a signal or what. All movement stopped in the vehicle.

After the cease fire was given, [REDACTED] saw that it was friendlies. I saw some people coming out from behind the truck and knew that they were friendlies; we immediately dismounted and starting performing first aid and assessing the situation. I was working on a 9-line. We got the 9-line called up and the helicopters landed.

There isn't anything else I want to add that would help in this investigation.

STATEMENT OF

TAKEN AT

DATED

A STATEMENT (Continued)

Nothing follows

AFFIDAVIT

I, [Signature], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 5. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[Signature]
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____, at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 5 OF 5 PAGES

For use of this form, see AR 190-45; the proponent agency is DDOSOP.

THORITY:	Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
NCIPAL PURPOSE:	To provide commanders and law enforcement officials with means by which information may be accurately identified.
OUTLINE USES:	Your social security number is used as an additional alternate means of identification to facilitate filing and retrieval.
SCLOSURE:	Disclosure of your social security number is voluntary.

1. LOCATION Camp Stryker	2. DATE (YYYYMMDD) 20051204	3. TIME 1100 hrs	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS	
8. ORGANIZATION OR ADDRESS A Co 2/502 INF			
9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:			
<p>A. What is your duty pos in the patrol and what vehicle were you in? How long in duty pos?</p> <p>I was a TC of 2nd truck/Team Leader in charge of dismounts. I have been a TL for 10 months.</p> <p>1. How often does your platoon rehearse review EOF and ROE?</p> <p>Every patrol unless we get a Bravo or something comes up we need to get out of the wire even if its our objective to stay then we get patrol brief on our mission. Knowledge on ROE is implied task on soldiers.</p> <p>2. What was your mission that day?</p> <p>Our mission was to conduct route clearance on our newly assigned sector, and link up with 2nd pit element.</p> <p>3. What is the enemy situation in your AO?</p> <p>Mostly IEDs, very seldom we get small arms fire at the time. Now that our AO expanded, we are currently having a couple of compounds, attacks range from IEDs, rockets, mortars and accurate small arms fire.</p> <p>4. How many contacts with the enemy has your patrol experienced?</p> <p>None of the small arms fire before the incident we my patrol made contact w/ the enemy only IEDs.</p> <p>5. How many EOF or warning shots/disabling shots in vehicles has your crew experienced? Explain.</p> <p>We have only gone as far as warning shots. Never had to disable vehicles before.</p> <p>6. How is comm in your AO?</p> <p>It was very bad. we always had to relay message to Falconer to get ahead of faster X-ray (company TC). Comm is now fixed though. No longer a problem.</p> <p>7. How many radios/sets in your humvee?</p> <p>2 ASIPs on each vehicle and 1 com on every leaders. no headset for gunners.</p>			
10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT		PAGE 1 OF 9 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT _____ DATED _____

PAGE 1 OF 7 PAGES

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

TAKEN AT

Camp Sattah

DATED

4 Dec 85

9. STATEMENT (Continued)

8. What special equipment does your gunner have?

Binos, 3X M4

9. In your own words explain EOE & ROE

If time permits wave off civilian vehicle. Then warning shot w/ an M4. Disable vehicle and last kill the enemy. If leader is not present, gunner yells out what he sees and leader instructs gunner on ROE. Although I brief my gunner if I'm gone use his own judgement whether a vehicle is a threat.

10. Have you seen suspicious bongo trucks in your AO?

Yes. They always speed up right after an IEP attack like fleeing the scene. It's always the one seen pass by right before small arms fire and they drive around your AO sometimes slow down to get better view of coalition forces. They count how strong our patrol, assess situation before they conduct an attack.

11. Were you aware 2nd pit. had an element west on

12. Did you hear gunfire at 1600? What did you think/who did you think it was? yes

Yes there were small arms fire, small explosions west of our current loc. at roughly about 1600. I assumed 2nd pit. made contact since I was briefed we were to make link up with train and our patrol was heading west, trying to cross the canal that splits and connects to the bridge that connects fatboy & counteratt. and going west on the canal.

13. Did you hear special instructions/coming between 2nd pit and

14. What instructions did you hear before moving to the sound of the guns? No

15. Did your gunner fire on the bongo? Did anyone else? My gunner fired as he received my order then I got out of the vehicle and myself and

16. What was the distance between 1st vehicle and the bongo when truck 1 fired? About 20-30 meters.

17. When did you first see the blue bongo truck. why was it suspicious? Tell me what you saw? when it was about 20-30 m in front of truck 1 on the other side of canal or It was speeding, fired rounds and did not slow down. It hit a tree on the side of road that caused it to stop. I saw flashes as they were firing and assumed they were firing at 1st vehicle and I waited, assess situation once lead truck opened fire, my gunner received my orders to open up.

18. Did you observe any weapons in/outside the bongo truck? No just small arms fire flashes.

INITIALS OF PERSON MAKING STATEMENT

PAGE

2 OF 9

PAGES

STATEMENT OF

TAKEN AT

Camp Smith

DATED

160110 4800 US

9. STATEMENT (Continued)

18. Did you believe the bongo was a threat to your patrol? What type of threat was there time for warning shot?
The bongo possessed huge threat by speeding and firing small arms. No time for warning shots. Roads were narrow, obstacles were on the road. Couldn't see too far down the road to go with all the required steps on ROE.
19. How is commo w/ your AO. How often does your pit give sitreps?
The commo was bad at the time but we rely on sitreps. Every half hour or more METTTC dependent.
20. Do you recall if anyone in 3rd pit reported the gunfire at 1600 to the AO?
Not to my knowledge.
21. Same question as #15.
22. Once firing stopped, what were your actions. Did you assist casualties?
As soon as I heard "come fire" I ordered the command. Run to the lead vehicle to assess situation. I heard the PL yell out for medic. I then called out for medic and other EFR guys. I set up the litter, help the medic pull up [redacted] out of canal. Instructed gunners on sector of fire and to not get tunnel vision to the medic so they can pull security and myself and [redacted] secured the P2 for medevac.
23. Was truck #1 firing warning shot or return fire into the bongo truck?
I couldn't tell if they fired warning shots, from my vehicle they looked like they were returning fire to the bongo truck.
24. What else do you think we should know to help us understand what happened?
There's a lot of obstacles on and around the road from dirt mound, bushes and canals. It's hard to get a wide field of view to have enough time to determine whether any vehicle speeding poses a threat.
25. Did you observe any type of IS-175? No
26. Any lessons learned worth sharing? Never send dismounts too far from human markings VRT, smoke, etc. Always send sitrep and pass along info.
27. Has your pit practiced non-standard vehicles evic? NO
28. Who else in the Patrol Fused at the Bongo Truck?

INITIALS OF PERSON MAKING STATEMENT

PAGE

3 OF 9

PAGES

STATEMENT OF

TAKEN AT

Grand Junction

DATED

4 DEC 05

9. STATEMENT (Continued)

Nothing follows

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____

at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE

4

OF

9

PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the parent agency is ODCSOPS

PRIVACY ACT STATEMENT

THORITY:

Title 10 USC Section 301; Title 5 USC Section 3051; E.O. 9397 dated November 22, 1943 (SSN).

PRINCIPAL PURPOSE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES:

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION

* AOC / STATE

2. DATE (YYYYMMDD)

2005 11 24

3. TIME

0025 hrs

4. FILE NUMBER

5. LAST NAME FIRST NAME MIDDLE NAME

* [REDACTED]

6. SSN

[REDACTED]

7. GRADE/STATUS

8. ORGANIZATION OR ADDRESS

* AOC 2/SOC INF

9.

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

See attach

10. EXHIBIT

11. INITIALS OF PERSON MAKING STATEMENT

* [REDACTED]

PAGE 5

9

PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT

DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

240021 Nov 05 - [REDACTED]

[REDACTED] as interviewed by [REDACTED] at 0021 24 Nov 05 and testified in substance as follows:

If we are dismounted and running because of an emergency we will yell 'Go' or 'Stop'.

I do not believe that we have a SOP for mounted civilian vehicles.

I found out that we will be conducting this mission the day before; my PL gave us a warning order the day before the mission.

The PL did not brief us on the enemy threat of the mission.

I received a partial mission brief the morning of the mission.

The full mission brief usually consists of a description of the area, the routes that will be taken, who the dismounts will be and who the gunner and TC will be. Basically what everyone's job will be. Our attachments, the amount of ammo and medivac procedures are what are usually briefed to us before a mission, normally.

This morning we did not receive a normal mission brief. We received word during the mission brief the morning of we were told that our sector got expanded to include 1-502 AO.

ROE, escalation of force, and actions on contact were not briefed as I recall. The reason that I believe that it was not is that it is implied. As many mission as we do and the amount of times that we go over all of that it should be stuck with us.

I was aware that we were to relieve second platoon.

We have [REDACTED]

The ICOMs are only [REDACTED]

To my knowledge every vehicle had comms with each other; we also did an internal comms check prior to leaving.

To my knowledge there were no other comms check done other than the one that we performed before leaving.

We also tested the ICOMs and they also had no problems.

We never check out comms with other platoons within the company.

We usually try to get a hold of Gator (Company) before we leave. If not Gator we can always get in touch with Falco (Battalion).

As we SP we took a turn to south of [redacted] We then went down [redacted] and tried to get to [redacted] trying to get to another street, but I can not remember the name of it.

We were briefed on what the routes were but the street that we were trying to get to did not have a name. It was put out to us where we were going since we had been there before and knew what street was not named. Before we got the new sector, we did know where we were.

After the warning order, the mission brief we knew that we were going south to relieve the [redacted]

At no time did we share any type of comms traffic with the [redacted], at least not in my vehicle. I assumed that the PL's vehicle had comms with them because he looked like he knew where he was going, and where the second platoon element was.

240037 Nov 05 -

Interviewed by [REDACTED] at 0037 24 Nov 05 and testified in substance as follows:

The PL and I were trying to remove a dirt mound so that the vehicles could cross and go towards the location where we heard gun fire and small explosions. And offer any help that we could give to, what we assumed was elements of second platoon. The reason that I assumed that it was elements of second platoon was that the PL briefed me while on patrol that they were on our AO.

* I heard small arms and knew that second platoon was in the general AO so I assumed that it was second platoon.

There was no confirmation over comms that it actually was second platoon that was in contact.

Since I was the TC for the second truck all I saw was a Bongo truck speeding towards us and when it past the lead truck they opened fire. I assumed that it was a VBIED and I assumed that they had taken fire so I ordered my gunner to return fire. I also got out of the vehicle and fired at the Bongo truck. Someone called cease fire. I then called it up, myself. And that is when we realized that they were friendlies.

From where I was I could not tell if the Bongo truck made any type of suggestions that they were friendly or not. I do not think they even stopped. It looked like it was going to be an ambush. I believed that it was intended to do harm to the U.S. troops.

I do not remember any type of reports being sent or requested. At that point I assumed that second platoon was farther down the road and at no time did we receive word that they had commandeered a civilian vehicle.

After we recognized that they were U.S. Forces we called the medics. We had medics working on [REDACTED] a couple of EFR qualified guys were helping. We were preparing them for the medivac.

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

Nothing follows

AFFIDAVIT

I, [Signature], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

[Signature]
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this day of

#1

[Signature]
(Signature of Person Administering Oath)[Signature]
(Typed Name of Person Administering Oath)[Signature]
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

SWORN STATEMENT

For use of this form, see AH 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

THORITY:

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN)

PRINCIPAL PURPOSE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES:

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION

Camp STRAKER

2. DATE (YYYYMMDD)

2005 12 01

3. TIME

1300

4. FILE NUMBER

5. LAST NAME FIRST NAME

6. GRADE

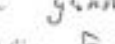

7. GRADE/STATUS

E-3

8. ORGANIZATION OR ADDRESS

A Co 2/502 101st Airborne

9. I,  WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- What is your duty position and what track were you in? - I was in track 2 and I was the gunner
- What was your mission for the patrol? - To find a route across the canal that runs parallel to , drop off detainees and to make a link up with 2nd platoon
- Were you aware 2nd platoon was operating in the area, did you know where exactly? I knew that 2nd platoon operating in our area but I didn't know where exactly. I had a rough idea that they were somewhere on motorcade as  were you certified and zeroed on the 240
- I am certified on the 240 but I was not zeroed on it.
- Explain to us what rehearsals / review of EOF and ROE do you conduct and how often, we ~~rehearse~~ talk over the ROE or just read it and conduct action on contact drills before every Patrol.
- In your own words explain EOF, EOF ~~is the~~ is the 5 S's, Shoot, Show, Share, Shoot warning Shot, Shoot to kill, EOF helps you control the situation with the minimal amount of force
- What special equipment do you have to assist you, we have binos, scopes and optics, star clusters, smoke, spot lights with IR covers VS 17 pinels
- What special equipment do you need. none
- What is the enemy situation in your AO there is a high enemy threat, to the date of this incident ~~we~~ we had encountered IED's, and sniper fire and ~~sniper~~ mortars.
- What type of enemy contact has your patrol/platoon ~~experienced~~ experienced to the date of this incident we had encountered dozens of ~~sniper~~ IED's and sniper fire
- Are VBIED's a threat in your AO. we haven't encountered any but I view them as a threat in our AO

10. EXHIBIT

11. SIGNATURE OF PERSON MAKING STATEMENT

PAGE 1 OF 5 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

TAKEN AT

DATED

B. STATEMENT (Continued)

12. Have you observed suspicious bongo tracks in the past, explain. After the detonation of IEP's bongo truck had been seen speeding off. The same truck would also have been in the area right before.
13. Did you remember heavy gunfire and explosions at approximately 1600 on the 23rd, what did you think. I heard the gunfire and explosions but I didn't really think ~~the~~ ~~see~~ about it too much.
14. Do you know if: talked w/ 2nd platoon after that gunfire, I don't know.
15. How is commo in your AO, what is it like, commo in bud in our AO, the is constant breaks in commo during patrols.
16. Do you know if 3rd plt ldr reported the gunfire to the company CP. I don't know.
17. After the gunfire did LT Wesley give any special instructions to the platoon, what were they? I didn't receive any special orders.
18. did you see the blue bongo, was it stopped or moving and was it suspicious. I did see flashes. I saw the bongo truck it was moving and I did see flashes.
19. Did you see any marking or USIS on the bongo. no I didn't.
20. Did you believe the bongo was posing a hostile threat or hostile force to your patrol, why did you believe this. I thought it was a hostile threat it was speeding towards our runway with weapons out the vehicle.
21. Did you fire on the bongo, were you ordered by: I fired on the truck just before he ordered us to fire.
22. Who else did you observe fire on the bongo.
23. Prior to firing, did you see any weapons or firing from the bongo truck, explain (flashes). I saw the flashes and I'm not sure if it was out going or incoming fire.
24. Did you observe anyone in the bed of the truck/waving or standing which no, I didn't see anyone in back.
25. ~~Describe~~ ~~When~~ why did you stop firing, did you fire both the M16 and M240. Did you attempt to fire warning shots. I stopped shooting when I received the cease fire from the 1st pl, I shot both M4 and 240, and I did not try to fire a warning shot.

PERSON MAKING STATEMENT

PAGE 2 OF 5 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

26. Have you fired warning shots in the past, yes, I have
27. What lessons should we share reference the incident, what can we do better we should ~~take~~ mark vehicles that we ~~can~~ take from civilians ~~other~~
28. Has your platoon or company even trained on non-standard evolutions with civilian vehicles. not to my knowledge
29. What is the company near/far recognition. VSI7 panel, smoke, star cluster IR flashes white light flashes
30. Is there any thing else that you would like to share with us to help understand what happened, No
31. Who else ~~was~~ in your truck fired into the bongo truck. How about truck 3 and 9. I did see anyone from my truck fire into the bongo or any one from truck 3 and 9

WITNESSES PERSON MAKING STATEMENT

PAGE 3 OF 5 PAGES

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

TAKEN AT

CAMP STARKER

DATED

110040 4 DEC 05

B. STATEMENT (Continued)

INITIALS OF PERSON MAKING STATEMENT

PAGE 4 OF 5 PAGES

STATEMENT OF _____ TAKEN AT _____ DATED _____

9. STATEMENT (Continued)

Nothing Follows

AFFIDAVIT

_____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.


(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

ORGANIZATION OR ADDRESS


(Signature of Person Administering Oath)


(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 5 OF 5 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is DDCSOPS

PRIVACY ACT STATEMENT

THORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943, (SSNR)
ACPIAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Zone In A 12	2. DATE (YYYYMMDD) 2005 11 23	3. TIME 2300	4. FILE NUMBER
5. LAST NAME FIRST NAME MIDDLE NAME [REDACTED]	6. ORGANIZATION OR ADDRESS Aco 2/SO2 101st Airborne		7. GRADE/RATING [REDACTED]

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

SEE ATTACHED

10. EXHIBIT	INITIALS OF PERSON MAKING STATEMENT	PAGE 1 OF 3 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

[redacted] was interviewed by [redacted] at the 23 November 2005 at 2152 and testified in substance as follows:

I feel comfortable to answer your questions at this time. I received the brief about the mission about 0700. In the brief, we were told that the mission was to try to get on the other side of the canal near [redacted] to conduct operations and find insurgents. During that brief, [redacted] told us there was a sniper in our area of operation. If there was a break in communications, we would stop the convoy, turn the vehicles sideways, get our RTO and go run around to find a signal. The SOP to establish communication between separate platoons and company, we usually put up [redacted] to get communications with the company or anyone else we need to communicate with. To the best of my knowledge we had no break in contact. Our standing SOP [redacted] In the day, we use [redacted]

[redacted] We went down some road that ran parallel with [redacted] We took that road to [redacted] and dropped the detainee off. We took some back roads headed east and then we turn around because there was some kind of berm, a big pile of bricks that we could not pass. We heard a gunfight. I was on the gun in the second truck. I saw the Bongo truck coming toward us with a weapon waving out. At that point the first truck fired and I fired with my M4. My M4 malfunctioned so I drop security on that side and put the 240 on it. The Bongo truck went off the road. There were some people trying to escape to the canal and the woodline. [redacted] in the first gun, gave me a cease fire. At that point, we called the Medic. We gave first aid and then we Medevaced everybody and pull security. I am not really sure if any one tried to relay that there was a firefight going on in our sector. I told every one in my vehicle that there was some shooting going on down the road. I am pretty sure it was called on the com that there was some shooting going on down the road. There is nothing else to tell about this incident.

[redacted]

[redacted]

[redacted]

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

ORGANIZATION OR ADDRESS

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

ORGANIZATION OR ADDRESS

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is DDCSOPS

PRIVACY ACT STATEMENT

THORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Zowe - INAG	2. DATE (YYYYMMDD) 2005 11 23	3. TIME 2355	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS PFC	
8. ORGANIZATION OR ADDRESS Aco 2/502			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

See attached

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 5 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF [REDACTED] TAKEN AT [REDACTED] DATED [REDACTED]"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

[REDACTED] s interviewed by [REDACTED] at 232355L Nov 05 and testified, in substance, as follows.

My name is [REDACTED] C. My social security number is [REDACTED]

I feel comfortable freely answering your questions concerning the incident that happened this afternoon.

There is a SOP in place for recognition of friendly vehicles and dismounted soldiers.

During the day, it is flashing the headlights and at night it is flashing the IR light.

As far as a backup or contingency, probably radioing ahead would be it.

I got word last night around 2100 that I was going to be doing the mission today.

I was told by my squad leader, [REDACTED]

I received a mission brief from [REDACTED] round 0830 this morning.

I don't recall receiving an updated enemy threat brief during the mission briefing.

He briefed us that there was a 2-6 element that we were supposed to be relieving tonight. By "2-6" I mean elements of second platoon.

During the brief this morning, we were told that we would be going down new and un-traveled roads.

The briefing wasn't conducted with a map or terrain model; but we've all been down here before so we knew what he was talking about.

To the best of my knowledge, all of the vehicles in our convoy had communication equipment and that equipment was fully mission capable.

I knew that the equipment was working because we all did radio checks with Gator [REDACTED] and [REDACTED]

Anytime we're out in the area, we always try to contact adjacent platoons.

[REDACTED] of the key leaders have [REDACTED]

We SPd through the gate, got on [REDACTED], and went all the way down about [REDACTED] and dropped off a detainee. From there we went to the west side of [REDACTED] and began doing route clearance trying to find a road that would go from [REDACTED] across the canal. We couldn't find one on that side, so we went to the other side of [REDACTED]

245

and we found a road with a big berm in front of it. We cleared that out some, drove the HMMWVs over it and came onto this road. We were doing some route clearance on the road and we were all told to get in the vehicles because we were going to drive down to where we were hearing some small arms fire up ahead.

We were told this information over the radio. So we got in the vehicles and drove off. A couple minutes later we saw the Bongo truck driving up and that's when we were given the order to shoot at it.

As far as the rules of engagement for an incoming vehicle, all the gunners have an M4 and a 9mm up there. They're supposed to give a couple warning shots at the vehicle to get it to stop and if it doesn't stop, then that's when they open up with the 240 or .50 cal.

We were briefed on escalation of force.

Usually when Iraqis drive up to a convoy, they'll pull over to the side of the road and turn their hazards on or they'll stop, back up, and go the opposite way. The Bongo truck though, just kept driving forward like it was going to try to blow past us.

While it was coming up on us, I couldn't tell how many people were in it.

From where I was, I couldn't tell what they were wearing.

I was riding in the second vehicle in the convoy and was sitting in the back seat on the driver's side.

As the truck was coming up, I didn't hear any communication on either the ASIPS or the ICOM radios.

I knew there was an escalation of force going on because I heard the 9mm go off and then I heard the .50 cal open up, and then my truck opened up with the 240 on it.

We engaged the Bongo truck and then we still saw movement and were about to light the truck up again, and then a call came in over the ICOM saying, "hey, there's friendly up there, don't shoot." They said, "3-6, 3-6 is up there," meaning my Platoon Leader had moved forward. He was out there by the truck and we still couldn't tell who was in the truck, if they were friendly or not, so I got out of the truck and the next thing I know, he was yelling for a medic. We still didn't know that there were friendlies in the truck. Once the medic got up there, he yelled for First Responder to get up there, so I grabbed my EFR bag and ran up there. While I was running up there, that's when I realized that they were friendly troops in the Bongo truck.

All I recall after that is that we started pulling security, called in a 9-line and started working on the guys that we could save. It was obvious that the two were KIAs and we wanted to get the other three all fixed up so we could medevac them out of there.

There is no way the two KIAs in the front could have sustained their injuries during another engagement. They were the driver and passenger.

The guy I was working on, [REDACTED] I helped doc [REDACTED] drag him out of the canal and I patched up his left shoulder and started an IV. [REDACTED] is the 2-6 element.

I don't recall having any communications on either the ASIPS or the ICOMs from 2-6; but we heard from 2-4A on occasion.

I don't recall what we heard from 2-4A because I wasn't monitoring the radio at the time, I just heard them calling in.

I didn't hear anything from Gato [REDACTED] about any engagements prior to this incident.

Prior to seeing the Bongo truck, we heard mortar fire and small arms fire up ahead of our position. Then we saw the Bongo truck flying toward us.

I have nothing else to share that may be beneficial to this inquiry.

4.25

STATEMENT OF _____

TAKEN AT _____

DATED _____

4. STATEMENT (Continued)

Nothing follows

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oath)

INITIALS OF PERSON MAKING STATEMENT

PAGE 5 OF 5 PAGES

SWORN STATEMENT

For use of this form, see AR 150-45; the proponent agency is GDCSOPS

PRIVACY ACT STATEMENT

THORITY:

Title 10 USC Section 301; Title 5 USC Section 2051; E.O. 9397 dated November 22, 1943 (SSN)

PRINCIPAL PURPOSE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

ROUTINE USES:

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

DISCLOSURE:

Disclosure of your social security number is voluntary.

1. LOCATION

CAMP STRYKER INVAL

2. DATE (YYYYMMDD)

20051205

3. TIME

1200

4. FILE NUMBER

5. LAST NAME, FIRST NAME, MIDDLE NAME

6. SSN

7. GRADE/STATUS

* E-3 PFC

8. ORGANIZATION OR ADDRESS

* A10 2/502

9.

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

What is your Duty position? What vehicle were you traveling in, where were you seated and what duty position? I am a designated Marksman/Rifleman 1stsgt A team, I was in the 2nd truck behind the Driver as a Dismount

2. What is your combat experience. Are you an ODP Veteran? No this is my first Deployment

3. Are you Trained and Qualified on the weapon system you were manning on the patrol Yes I am

4. What was your patrol mission on the 23rd of November? To find a Road or a bridge to cross over from [REDACTED]

5. Were you aware 2nd Platoon was operating west along [REDACTED] What did you know about 2nd Platoon's activities/mission and location on the 23rd of November? I knew 2nd Platoon was in our area but not any exact location or what their mission was

6. What is the general enemy situation in your area of operations? Pretty Bad they're getting Really good with their equipment (SAF & IEDs)

7. What is the VBIED threat to your platoon & company? Not much Really

8. Prior to the mission on the 23rd did the Patrol Leader Review escalation of Force and ROE How often Do you Review EOP - ROE Before every patrol

9. Have you been in an escalation of force situation where warning shots or a subling shots into an Iraqi vehicle occurred. YES

10. EXHIBIT

PERSON MAKING STATEMENT

PAGE 1 OF 5 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF"

TAKEN AT

DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

10. In your own words explain the Escalation of Force and How it would apply in the event of an approaching Imaginable.

I would shout at them, make Hand Signals to stop/slowdown/turn around, I show them the weapon + point at them then shoot as a warning then shoot to kill.

11. What enemy contacts by what type have you been involved in since you assumed the Zone.

We have Received mortars, RPGs, Small arms and IEDs

12. How is Radio Communications out in Sector.

they're not the Best But we make it work with Relays

13. Have you observed Bongo trucks in your A.O. Have they been involved with/for suspected AIF activity.

Yes they have

14. As you remember the incident w/ 2nd PLT explain in Detail what you Recall from the time you observed the Bongo truck up to the time you realized it was Friendly Forces.

I heard the 50 cal open up and I heard the Lt's order to engage the truck it was about 100 meters ahead down the Road. The gunner on the 2nd truck opened up with 240 and I jumped out of the vehicle and I fired about 5 Rounds at the guys jumping off the back of the Bongo truck he then got an order to cease fire and that it was friendly in the truck.

15. Did you observe any weapons exposed outside the Bongo truck or muzzle flashes or anyone standing in the back of the truck above the cab.

I didn't see any weapons until I saw people jump out of the back I believe I saw a couple of muzzle flashes around the same time the 50 cal opened up but there was no one standing in the back.

16. Did you fire into the Bongo truck with what weapon/How many Rounds estimated. Did anyone in your crew fire as well.

Yes I fired my M4 about 5 times as far as I know only me + the gunner fired into it.

17. Have you observed suspicious Bongo trucks in the A.O.

Yes

18. Do you Relatively know or use the BOLO List.

Yes.

INITIALS OF PERSON MAKING STATEMENT





PAGE 2 OF 5 PAGES

STATEMENT OF

TAKEN AT

DATED

9. STATEMENT (Continued)

19. What occurred at approximately 1600 hrs, what did you think was going on.
We heard SAF Down went or  I figured it was Across the canal in Another sector
20. Did you overhear any communication between 2nd & 3rd Plt.
We Heard once or twice from 2-4A But Nothing from the Dismount crew
21. Could you see people in the Back.
Yes
22. What was the Distance Between the truck & the Bongo
About 100 meters
23. Did  Give the order to engage on the Radio.
Yes
24. Would it you observe muzzle flashes from the Bongo truck
About the same time as the 50 cal opened up.
25. What other information would you think would be important for us to know.
I Believe I have said All that I know.
26. What special equipment do you think your Platoon needs to Do their mission Better.
Optics & Bipod legs for the M14's, more Lasers for the 240's & 60 cal's, Thermite grenades for the Recoils, Regular Gasoline for the Recoils too.
27. Does the gunners  + M4's
Yes Each gunner  & either an M4 or a 9mm.

INITIALS OF PERSON MAKING STATEMENT



PAGE 3 OF 5 PAGES

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF _____ TAKEN AT _____ DATED _____

B. STATEMENT (Continued)

Nothing follows

INITIALS OF PERSON MAKING STATEMENT

[Handwritten initials]

PAGE 4 OF 5 PAGES

STATEMENT OF _____

TAKEN AT _____

DATED _____

a. STATEMENT (Continued)

Nothing Follows

AFFIDAVIT

I, _____, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE _____. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

WITNESSES:

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this _____ day of _____ at _____

(Signature of Person Administering Oath)

(Typed Name of Person Administering Oath)

(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 5 OF 5 PAGES

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSDPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN)
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with names by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Zws ? INAW	2. DATE (YYYYMMDD) 2005 11 23	3. TIME 2335	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. [REDACTED]	
8. ORGANIZATION (in addition) Aco 2-502 104th ARN			

9. [REDACTED] WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

SEE ATTACHED

10. EXHIBIT	OF PERSON MAKING STATEMENT	PAGE 1 OF 4 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF" TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

[redacted] as interviewed by [redacted] 232337L Nov 05 and testified, in substance, as follows:

My name is [redacted] My social security number [redacted]

I am willing to answer freely your questions concerning the incident that occurred today.

There is an SOP for friendly recognition at night time; we flash each other IR.

I'm not aware of an SOP for recognition during daylight hours.

I found out that we were going to be doing this mission last night around 2000 when my squad leader, [redacted] told me about it.

I received the mission brief this morning between 06 and 0700. My Platoon Leader, [redacted] gave the briefing.

I don't recall if he included a current enemy situation brief or not.

During that brief, [redacted] informed us that we had our second platoon element operating in and around our area.

As far as rules of engagement, escalation of force, and actions on contact, [redacted] touched on ROE during the mission briefing.

I don't recall exactly what he said, but ROE was covered.

The vehicles we were using today had either [redacted] They were mission capable, but we didn't have comms. Comms weren't working, but the radios themselves worked.


We had communications within the platoon the entire time.

We did not have communications the entire time between my platoon and the Company CP.

I don't know if we had communications between my platoon and second platoon. I wasn't monitoring the radio with second platoon.

We left Camn Striker sometime after 0800. We headed out of [redacted] down [redacted] We got off [redacted] right befo. [redacted] and then we took a left on a road we had never been down before. We were trying to get to a new area we had never been to before and we weren't familiar with the area or the roads.

My squad leader discussed with us that we would be traveling down new routes and showed me where we were going to be going. I didn't know of any roads to get across


the canal, and I guess that's what we were looking for. We were trying to get across the canal and we patrolled that area this morning.

We were coming down this road here. I believe we were still trying to get across and the convoy came to a halt. That's when I saw the blue Bongo truck moving at a different speed than an average Iraqi vehicle would be moving. Right away, I thought it was hostile because usually they pull over as soon as they see us. Their vehicle immediately stops and pulls over. This vehicle didn't; it was moving down the road at an abnormal speed and that's when I heard the fire.

Other than the speed, I thought the vehicle was hostile because I saw the weapons hanging out the windows and the vehicle was just moving abnormally.

I had heard small arms fire minutes prior to the incident from this area. We came into this area with extreme caution.

Prior to the incident we were spaced out about 50 meters between vehicles.

After we heard the small arms and indirect fire, we kept traveling down the road at the same speed.

We came to a halt and the Bongo truck was getting engaged by truck one. I through my door open and began engaging also. I fired two rounds and then we realized it was friendly. I ran up to this point here and started first aid.

I didn't have a radio in my hand and wouldn't know if there were any communications before or during the incident.

The reason I only fired two rounds was that I heard someone yell cease fire. Once I heard that, I saw the friendly and thought, "How the hell did someone get across the canal already and over there to that truck? There's no way." Then I saw the way he was stumbling and I knew right away that that wasn't one of the guys from our convoy.

There was never any sign from the Bongo truck that it was a friendly vehicle.

For recognition during hours of daylight, I carry a  panel on my person.

After we started getting the casualties together and treated, we called in the 9-line and I proceeded to this field and checked it out for a possible PZ. We picked up security and started scanning the area. I heard the Apaches come in and I popped smoke right there because I thought it was the Blackhawks, the medivacs, but it wasn't them. A couple minutes later the Blackhawks came in and I popped smoke again, then ran over and grabbed a litter and carried it over to the medivac.

I can't think of anything else to add that would assist in this inquiry.